

APPEAL NO. 021651
FILED AUGUST 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 4, 2002. The hearing officer resolved the dispute issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and thus did not have resulting disability. The claimant appealed on sufficiency grounds, seeking reversal, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury, with a date of injury of _____. The hearing officer determined that the claimant's testimony, and his previous actions and nonactions in the case, were not believable. Thus, the claimant failed to prove that he sustained a compensable injury of his low back and right knee from dropping a refrigerator and stumbling backwards.

The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the disputed issues in the carrier's favor. While the claimant argued a different interpretation of the evidence, we conclude that the hearing officer's determinations are supported by the evidence, and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

As we affirm the hearing officer's injury determination, we likewise affirm his disability determination. As a matter of law, the claimant must have sustained a compensable injury in order to have disability therefrom. See Section 401.011(16).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
TEXAS MUTUAL INSURANCE COMPANY
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge